

**Notice of Allowability**

Application No.

09/632,861

Examiner

Kambiz Abdi

Applicant(s)

CHATANI, MASAYUKI

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2 February 2006.
2. ☒ The allowed claim(s) is/are 1-3, 6-9, 11-12, and 17-24 (reumbered 1-17).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action. Prior office actions are incorporated in this office action by reference.

- Claims 1, 9, 17, and 20 have been amended.
- Claims 4, 5, 10, and 13-16 were canceled previously.
- Claims 1-3, 6-9, 11-12, and 17-24 have been allowed.

#### *Allowable Subject Matter*

2. Claims 1-3, 6-9, 11-12, and 17-24 are allowed over the prior art of record.

3. The following is an examiner's statement of reason for allowance:

The closest prior art of record is;

U.S. Patent No. 5,619,247 to James Russo,

U.S. Patent No. 5,530,754 to Norton Garfinkle,

U.S. Patent no. 5,857,020 to Mendel Lazear Peterson, and

U.S. Patent No. 5,063,547 to Pieter H. Custer.

4. They generally disclose systems and methods of requesting access to digital data and making payment and conducting transaction based on the payment for use as the digital data is used.

Additionally they discuss distribution of secured content, such as, movies, music, games, information and the like, whereby revenue may be generated for premier and pay-per-use access to the secured content.

Apparatus and method has been discussed for reading information stored on a record carrier, comprising means for reading the record carrier, means for controlling the reading means, identification means for detecting a record-carrier identification of a record carrier before it is played, storage means for storing the record carrier identifications together with the corresponding preferred-selection programs for a plurality of record carriers, selection means responsive to the detected record-carrier identification to select or not to select a preferred-selection program stored in the storage means.

5. In regards to independent claims 1, 9, 17, and 20 the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest the step of;

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a detachable storage media installable in said client console, said detachable storage media having a media identifier, wherein the media identifier is combined with the user specific information to define a user identifier that is uploaded to said download management server to enable access only to a specified content in said primary media content database, said specified content and said user information is downloaded to said client console, the specified content being associated with billing trigger data to enable monitoring of when specific portions of the specified content is accessed for use at said client console, the monitoring being configured to generate a record of used content, the record of used content being communicated back to the management server to record a revenue bearing event in the customer database;

whereby said specified content is associated with an authentication code for authenticating access to the download management server and said specified content may comprise a portion of an overall set of primary contents stored in said contents database, and

whereby said authentication code authenticates access to the download management server for providing access to said specified content.

6. Claims 2, 3, 6, 7, and 8 are dependent upon claim 1, claims 11-12 are dependent upon claim 9, claims 18-19 are dependent upon claim 17, claims 21-24 are dependent upon claim 20, and thus have all the limitations of independent claims 1, 9, 17, and 20, and are allowable for the same reason stated above.

### ***Conclusion***

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

**<http://portal.uspto.gov/external/portal/pair>**

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:

**(571) 273-8300** [Official communications; including After Final communications labeled "Box AF"]

**(571) 273-6702** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

**Knox Building, 50 Dulany St. Alexandria, VA.**

**Kambiz Abdi**  
Primary Examiner  
AU 3621

**KAMBIZ ABDI  
PRIMARY EXAMINER**

**March 6, 2006**